

Application No. 10/020,707
Amendment dated February 25, 2004
Reply to Office action of January 16, 2004

REMARKS

Claims 1-23, 28-36, and 39-43 are pending in the application and claims 4, 6-12, 15, 18-24, and 35-36 are withdrawn from consideration after this amendment. The addition, amendment, cancellation, and/or withdrawal of claims is not to be considered in any way an indication of applicants' position on the merits of the withdrawn claims. In the following sections of the Amendment the restriction requirement and rejections set forth by the Examiner in the January 16, 2004 Office action are addressed. The restriction requirement and rejections are respectfully traversed, and detailed arguments are set forth below. Reconsideration of the claims is requested in view of the foregoing amendments and the following remarks.

For the purpose of obtaining an early allowance, applicants have elected to withdraw claims. As correctly noted in the most recent Office action, this election was made with traverse. **If claims 1, 13, 39, and/or 41 are allowed, applicants would like to remind the Examiner that when a generic claim is found to be allowable, all claims to each of the additional species embraced by an allowable generic claim should be considered no longer withdrawn as set forth in M.P.E.P. Section 809.02.**

The Examiner rejected claims 1-3 and 5 under 35 U.S.C. Section 112, first paragraph because the Examiner was unable to find support in the specification for the recitation in claim 1 of "the coil at least partially extending beyond said probing head." This limitation is clearly shown in the figures which form part of the original disclosure. However, in view of discussions with the Examiner, applicants have removed this limitation and this rejection is now moot. Applicants respectfully submit that the claims as now pending have support in the original specification, including the original drawings.

Turning next to claim rejections, the Examiner rejected the claims as anticipated by or obvious over U.S. Patent No. 5,997,360 to Gen-Kuong et al. (the "Gen-Kuong reference"). Incorporated herein (without repetition) are the specific recitation of the facts and the specific arguments found in previous papers.

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For the purpose of obtaining an early allowance, applicants have elected to amend the claims based on discussions with the Examiner. Applicants believe that the claims, including the newly added claims are allowable over the Gen-Kuong reference alone or in combination with other known references.

In view of the above, it is submitted that both the currently pending claims as well as the withdrawn claims are patentable over the known references alone or in combination. Reconsideration of the claims is respectfully requested in view of the above amendments and remarks, and early notice of allowance thereof is earnestly solicited.

CONTINUITY DATA AND FILING RECEIPT

As of the date of this amendment, it appears that this issue has not been corrected despite applicants' attorney's significant efforts including the filing of the February 4, 2004 PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM UNDER 35 U.S.C. 120, 121, AND/OR 365(c) FOR THE BENEFIT OF A PRIOR-FILED APPLICATION AND REQUEST FOR CORRECTION OF FILING RECEIPT. The present application is a national stage application of Patent Cooperation Treaty (PCT) application No. PCT/US01/24017, filed July 30, 2001; PCT Application No. PCT/US01/24017 is a continuation of U.S. Patent Application No. 09/895,060, filed June 29, 2001 (now abandoned); and U.S. Patent Application No. 09/895,060 is an application claiming the benefit under 35 USC Section 119(e) of U.S. Provisional Patent Application No. 60/221,716, filed July 31, 2000. Applicants respectfully request (1) correction of the continuity data such that it may be verified on the PAIR system and (2) a corrected filing receipt.

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FEE CONFIRMATION

Applicants renew their concerns on this issue. Specifically, in the June 20, 2003 submission, several claims were added to the application. Applicants' attorney was charged \$54 on her deposit account, but is not sure how this figure was obtained (please note that applicants are a large entity). Applicants respectfully request (1) confirmation that the correct amount was paid for claims pending after the June 20, 2003 submission and (2) an accounting of the fees for additional claims. Please charge Deposit Account No. 50-2115 for any additional fees which may be required or refund excess fees thereto.

Respectfully submitted,



Karen Dana Oster
Reg. No. 37,621
Of Attorneys of Record
Tel: (503) 810-2560